

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TUNE HUNTER INC.,

Plaintiff,

v.

SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC; APPLE INC.; SHAZAM
ENTERTAINMENT LTD.; AMAZON.COM,
INC.; NAPSTER, LLC; MOTOROLA, INC.;
GRACENOTE, INC.; CELLCO
PARTNERSHIP d/b/a VERIZON
WIRELESS; LG ELECTRONICS USA,
INC.; AT&T MOBILITY LLC; and
PANTECH WIRELESS, INC.,

Defendants.

CASE NO. 2:09-cv-148-TJW

JURY TRIAL DEMANDED

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF
DEFENDANT CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS

Plaintiff Tune Hunter Inc. (“Tune Hunter”) and defendant Cellco Partnership d/b/a Verizon Wireless (“Verizon Wireless”) (individually, each “Party”) by and through their respective attorneys, hereby stipulate and agree as follows:

1. All claims brought by Tune Hunter against Verizon Wireless in the above-entitled action shall be dismissed without prejudice;
2. Each Party shall bear its own costs, expenses and attorneys’ fees incurred in connection with this case; and
3. Tune Hunter’s claims against the other, remaining defendants in this action shall remain pending unless separately dismissed or otherwise resolved.

AGREED TO AND ACCEPTED BY:

/s/ John T. Polasek
John T. Polasek
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Counsel for Tune Hunter, Inc.

/s/ Josh A. Krevitt by permission John T. Polasek **
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Counsel for Celco Partnership d/b/a Verizon Wireless

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 8th day of January, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ John T. Polasek